

### **REMARKS**

In the Office Action, the Examiner rejects claims 1-4, 6-10, 12-26, 28-33, 35-41, and 43-45 under 35 U.S.C. 102(b) as being anticipated by United States Patent Application Publication No. 2001/0037255 ("Tambay"). The Examiner also rejects claims 5, 11, 27, 34, and 42 under 35 U.S.C. 103(a) as being unpatentable over Tambay in view of U.S. Patent No. 6,959,284 ("Howes"). Applicants respectfully traverse these rejections for the reasons that follow.

#### **I. The Rejections Under 35 U.S.C. 102(b)**

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. See MPEP at § 2131; *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). In this case, Tambay fails to disclose each and every element of rejected claims 1-4, 6-10, 12-26, 28-33, 35-41, and 43-45.

Independent claim 1 is directed to a computer based system for illustrating product wherein, *inter alia*, computer based system is interactive with the user, such that the user may adjust at least some product data retrieved from a database that is illustrated in an output interface to generate additional product data.

Independent claim 21 is directed to a computer generated report illustrating the contents of an output interface, wherein the report comprises product data retrieved from a database and wherein the product data is adjustable in the output interface to generate additional product data.

Independent claim 29 is directed to a computer-based method for generating a report comprising product data of one or more products, wherein, *inter alia*, product data is illustrated in an output interface and at least some of the illustrated product data is adjustable by the user in the output interface to generate additional product data.

Independent claim 38 is directed to a method of using a computer to compare product data comprising, *inter alia*, reviewing an output interface illustrating product data of at least two

products, wherein the product data is retrieved from a database and wherein at least some of the illustrated product data is adjustable by the user in the output interface.

As is apparent, a key feature of the systems, reports, and methods of the present invention is the ability of a user to adjust at least some product data retrieved from a database that is illustrated in an output interface to generate additional product data. This feature, and its distinction over the prior art, is described in the specification at, for example, [0007] – [0008].

Tambay fails to disclose or suggest any systems, reports, or methods that include at least this feature of the present invention. In the Office Action, the Examiner asserts that this feature is disclosed by Fig. 2 in Tambay. See Office Action at p. 2-3 (final bullet point) and p. 5 (references to independent claims 21, 29, and 38). Applicants respectfully disagree with the Examiner's interpretation of this Figure.

Tambay Fig. 2 refers to a formulation calculator available to user wishing to devise a formulation for a product. See Tambay at [0035], [0119]. According to this process, a user first selects the type of product the user wishes to formulate, such as a polyester resin. See Tambay at [0119]. The user then selects the formulation type to be created, such as a liquid, granular, or emulsion. *Id.* The user then continues by selecting additional necessary ingredients. *Id.* Once the user has selected all the necessary ingredients, the formulation calculator displays a formulation combining these ingredients according to generally accepted industry and product-specific standards. *Id.* The result is then presented to the user and the process ends. *Id.*; see also Fig. 2.

There is no disclosure or suggestion in Fig. 2 or anywhere else in Tambay that any “result”, i.e., information retrieved from a database and illustrated to a user in an output interface, can be adjusted by the user to generate additional product data. Instead, in Fig. 2 of Tambay the “result” is simply displayed to the user and the process ends at that point. See Tambay at Fig. 2. As a result, to the extent that Tambay describes any methods, systems or reports for illustrating product data or comparing product data of two or more products, as is presently claimed, it suffers from the same drawbacks discussed in paragraph [0007] of the present application regarding prior art tools for comparing competitive products. In Tambay, the user has no ability to modify any product data retrieved from the database and illustrated in an output interface, as may be required to fit the user's specific needs.

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In Reply to USPTO Office Action Dated September 19, 2006

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As a result, for at least these reasons, Tambay fails to disclose each and every element of any of the independent claims of the present application. Therefore, Applicants respectfully request withdrawal of the pending rejection under 35 U.S.C. 102(b).

**II. The Rejections Under 35 U.S.C. 103(a)**

Howes does nothing to overcome the foregoing deficiencies of Tambay. As a result, the Examiner has not, and cannot, establish a *prima facie* case of obviousness with respect to any of the pending claims in view of the cited art. Applicants, therefore, respectfully request withdrawal of the pending rejection under 35 U.S.C. 103(a).

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**CONCLUSION**

Applicants respectfully request entry of the foregoing amendment and allowance of the application at an early date.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Donald R. Palladino", written over a horizontal line.

Donald R. Palladino  
Attorney for Applicants  
Registration No.: 46,976

PPG Industries, Inc.  
One PPG Place  
Pittsburgh, PA 15272  
Telephone: (412) 434-3186  
Facsimile: (412) 434-4292

Pittsburgh, Pennsylvania  
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